

EXHIBIT 3

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September 19, 2004

VIA E-MAIL

To: Counsel of Record for Plaintiffs*

Re: In re Columbia University Patent Litigation, MDL No. 1592

Dear Counsel:

I am writing to follow up regarding the scheduling of expert depositions. We propose that the parties conduct expert depositions in Boston on the following dates, with each deposition starting at 9:00 a.m.:

Sept. 27:	Harvey Lodish
Sept. 28:	Rodney Kellems
Sept. 29:	Bruce Dolnick
Sept. 30:	William Lennarz
Oct. 1:	Frank Ruddle

We have received a letter from Genentech's counsel indicating that Dr. Kellems is available only on September 23 and only in Houston. This letter gives no factual support for these contentions, other than a generalized statement of "unavailability" and "other commitments." This is not acceptable. We do not intend to fly around the country to take multiple expert depositions because plaintiffs chose to hire four experts instead of one. Nor are we able to conduct these depositions until Dr. Ruddle has had sufficient time to review the four rebuttal expert reports that plaintiffs have served and the references cited therein. Accordingly, we ask that plaintiffs jointly confirm as soon as possible that the schedule described above is acceptable.

Very truly yours,



David I. Gindler

cc: Wayne Barsky, Esq.